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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/540,109

06/20/2005

Arne Carlsson

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EXAMINER

YEAGLEY, DANIEL S

ART UNIT

PAPER NUMBER

3611

MAIL DATE

DELIVERY MODE

09/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/540,109	Applicant(s) CARLSSON, ARNE	
	Examiner Daniel Yeagley	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3611

DETAILED ACTION

Allowable Subject Matter

1. Upon further review of the claims as now claimed and understood. The indicated allowability of claims 9 – 11 are withdrawn in view of the earlier cited reference to Carlsson WO'671. Rejections based on the cited reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 6, 8 – 11 and 13 – 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Carlsson WO01/87671 (IDS).

Carlsson discloses an impact attenuating device (figure 2), wherein the device comprises a front part 9 connected to a frame side member of a vehicle with a wheel that includes two wheels with a pivot function 7, such that during a collision against the device forces are transferred to a vehicle 5, wherein the device comprises a rear part 24 having two transport wheels 4 capable of being in a raised position in an operation position (spring system locked out, page 6) and a lowered position in a transport position (where spring system operates to allow the transport wheels to assume a lowered position in a transport position, and wherein the device further includes an operation wheel 43 that has a pivot function, where the operation wheel is in a lowered position (figure 23) and a raised position (figure 1), and an extension device 2 that

Art Unit: 3611

positions an attenuating part 1 in a transport position (figure 1 and 2), such that the attenuating part is extended away from the front part by configuration of the extension device in a first position and further shows a second position (figure 7) where the extension device 2 positions the attenuating part in an operation position against the front part (figure 3), such that the extension device is arranged between the front part and attenuating part; as broadly claimed, and in the transport position the attenuating part is articulately arranged to the vehicle, wherein the extension device comprises a hydraulic telescopic device and a boom 31 arranged to a link arm 8, with a cylinder 22 acting upon the link arm moves the attenuating part to a transport or operation position, wherein the impact attenuating device shows a docking device that is arranged in the front part and the attenuating part to secure the rigidity of the attenuating device (figure 6-9), and further shows the telescopic device being connected to a front part via a vertical joint (pin) and to the attenuating part via a horizontal joint (bolt); as best shown in figure 9a.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlsson WO01/87671 (IDS).

Carlsson shows an impact attenuating device having an operable hydraulic power cylinder 22 (page 6), but failed to disclose if the hydraulic system of the internal hydraulic

Art Unit: 3611

cylinder associated with the impact attenuating device is a hydraulic fluid system separate from the vehicle hydraulic fluid system.

It would have been obvious to one having ordinary skill in the art at the time the invention was made have utilized a separate hydraulic fluid system for the added attached attenuating device with its own separate system for operating the associated impact attenuating device separate from that of a vehicle, simply to eliminate a connection process between the vehicle and the attached device for quicker and easier connecting and disconnecting of the device from the vehicle without the need to couple and uncouple a hydraulic system from a vehicle to operate a separate system on an attachment, simply dependent upon user preference.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlsson WO01/87671 (IDS).

Carlsson shows an impact attenuating device having a boom 31 arranged to a link arm; as stated above, and further shows the art of applying an alternative or additional boom (additional boom that is positioned with the front part; as shown in figure 16), such that the attenuating part 3 is movable as a trailer and wherein the boom on the front part is connected through an obvious horizontal joint to provide means for elevating the boom vertically but was silent in regards to the vertical-and horizontal joint to move the front boom.

It would have been obvious to one having ordinary skill in the art at the time the invention was made have utilized a multi-function joint, such as a vertical- and horizontal joint to maneuver the front boom to a desired vertical position using the obvious horizontal joint within Carlsson front boom to provide the means for obtaining a desired vertical position of the

Art Unit: 3611

boom, and additionally provided a further means for positioning the front boom to a further desired horizontal position, if required; using a common simple vertical joint to provide the means for obtaining a lateral desired position using a vertical joint in combination with a horizontal joint; such as a common universal joint to obviously vertical-and horizontal move the front boom, as is old and well known in the art.

Response to Arguments

7. Applicant's arguments with respect to claims 1 -18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is (571)272-6655. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on (571) - 272 - 6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

D.Y.

/Paul N. Dickson/
Supervisory Patent Examiner, Art Unit 3600